

HOUSE No. 1129

By Ms. Blumer of Framingham, petition of Deborah D. Blumer and others for legislation to further define tuition calculations and capital allocations for Commonwealth charter schools. Education.

The Commonwealth of Massachusetts

PETITION OF:

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In the Year Two Thousand and Five.

AN ACT TO FURTHER DEFINE TUITION CALCULATIONS AND CAPITAL ALLOCATIONS FOR COMMONWEALTH CHARTER SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 89 of chapter 71 of the General Laws, as amended by
2 Chapter 352 of the Acts of 2004, is hereby further amended by
3 striking subsection (nn) and inserting in place thereof the
4 following:—

5 (nn) Commonwealth charter schools shall be funded as follows:
6 The commonwealth shall pay a tuition amount to the charter
7 school, which shall be the sum of the tuition amounts calculated
8 separately for each district sending students to the charter school.
9 Tuition amounts for each sending district shall be calculated by
10 the department of education using the formula set forth herein to
11 reflect, as much as practicable, the actual per pupil amount that
12 would be expended for operational purposes in the district if the
13 students attended the district schools. For the purposes of this
14 section, “operational purposes” shall exclude, at a minimum, cap-
15 ital costs associated with payments, including interest and prin-
16 cipal payments, for the construction, renovation, purchase,
17 acquisition, or improvement of school buildings and land, and any

18 other costs not associated with payments for the construction, ren-
19 ovation, purchase, acquisition, or improvement of school build-
20 ings but reported to the department of education as a capital cost.

21 The tuition amount shall be calculated separately for each dis-
22 trict sending students to a charter school, and for each charter
23 school to which a district sends students. Each district's per pupil
24 tuition amount for each charter school to which it sends students
25 shall be adjusted to reflect the actual net school spending in the
26 sending district.

27 In calculating the per pupil tuition amount, the department shall
28 calculate a foundation budget for the students from each sending
29 district attending the charter school in the previous fiscal year,
30 pursuant to the provisions of section 2 of chapter 70; provided,
31 that the department shall not include in said calculation the
32 assumed tuitioned-out special education enrollment, nor any
33 amounts generated by said assumed enrollment, as defined by said
34 section 2. The per pupil tuition amount shall be the district's
35 foundation budget for the charter school, as so calculated, divided
36 by the number of students attending the charter school from the
37 sending district in the previous fiscal year. The per pupil tuition
38 amount shall be calculated separately for each charter school to
39 which a district sends students. The foundation budget for a
40 charter school shall be the sum of the foundation budgets for the
41 charter school for each district sending students to the charter
42 school.

43 In adjusting the per pupil tuition amount, the department shall
44 calculate for each sending district an above foundation spending
45 percentage, which shall be the percentage by which the district's
46 actual net school spending exceeds the foundation budget for the
47 district, as calculated pursuant to the provisions of chapter 70.
48 The department shall further calculate the percentage of actual net
49 school spending reported by the sending district associated with
50 tuition costs for tuitioned-out special education students,
51 including education that occurs in educational collaboratives, and
52 with spending on health care costs for retired employees, for any
53 district for which such costs are included in net school spending,
54 and shall reduce the district's above foundation spending per-
55 centage proportionately. The per pupil tuition amount for each

56 charter school to which the sending district sends students shall be
57 increased by said adjusted above foundation spending percentage.

58 The total tuition amount owed by a sending district to a charter
59 school shall be the per pupil tuition amount as defined above,
60 multiplied by the total number of students attending the charter
61 school from that district in the current fiscal year. The sending
62 district's total charter school tuition amount for purposes of the
63 following paragraphs shall be the sum of the district's tuition
64 amounts for each charter school to which the district sends stu-
65 dents, calculated using the provisions of this section. The
66 receiving charter school's total charter school tuition amount shall
67 be the sum of the tuition amounts calculated for the charter school
68 for each district sending students to the charter school.

69 The state treasurer is hereby authorized and directed to deduct a
70 district's total charter school tuition amount, as calculated herein,
71 from the total state school aid, as defined in section 2 of said
72 chapter 70, of the district in which the student resides prior to the
73 distribution of said aid. In the case of a child residing in a munic-
74 ipality which belongs to a regional school district, the charter
75 school tuition amount shall be deducted from said chapter 70 edu-
76 cation aid of the school district appropriate to the grade level of
77 the child. If, in a single district, the total of all such deductions
78 exceeds the total of said education aid, this excess amount shall be
79 deducted from other aid appropriated to the city or town. If, in a
80 single district, the total of all such deductions exceeds the total
81 state aid appropriated, the commonwealth shall appropriate this
82 excess amount; provided, however, that if said district has
83 exempted itself from the provisions of chapter 70 by accepting
84 section 14 of said chapter 70, the commonwealth shall assess said
85 district for said excess amount.

86 The state treasurer is hereby further authorized and directed to
87 disburse to the charter school an amount equal to the charter
88 school's total charter school tuition amount as defined above.

89 The department shall, subject to appropriation, provide funding
90 to charter schools for a capital needs allocation. The department
91 shall calculate a statewide per pupil average expenditure from
92 state and local sources for capital costs solely associated with pay-
93 ments, including interest and principal payments, for the construc-
94 tion, renovation, purchase, acquisition, or improvement of school

95 buildings and land. The department shall multiply said amount by
96 the number of students the district sends to charter schools, and
97 shall provide funding directly to charter schools for said costs.
98 Such funding shall not be included in the tuition amount, and shall
99 not be deducted from the Chapter 70 aid of the sending district.
100 In making these calculations, the department shall use data from
101 the most recent year for which actual district expenditures have
102 been reported by districts to the department.
103 The board of education shall adopt regulations for imple-
104 menting the provisions of this subsection, including, but not lim-
105 ited to, regulations for determining the actual per pupil net school
106 spending amounts in districts, and for calculating charter school
107 tuition amounts. In adopting said regulations, the department
108 shall consult with the executive office for administration and
109 finance.